IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

M.C.C. NO. 18 OF 2007 Single Bench

(Arising out of the order dtd. 07.09.2006 passed by the Hon'ble High court and the consequential order dtd. 18.10.2006 passed by the Additional Registrar (Judicial).

APPELLANT
DEFENDANT NO.1 : Kamal Kumar Agrawal, Son of late Shri Jagdish Rai Agrawal, aged about 45 years, Occupation : Business, resident of Juna Gaddi Road, Ambikapur, Tehsil and Police Station : Ambikapur, Distt : Surguja (C.G.)

VERSUS

RESPONDENTS
PLAINTIFFS : 1. Beni Prasad Shukla, Son of late Shri Hari Prasad Shukla, aged about 64 years, resident of Bramhapara, Ambikapur, Tehsil & Police Station : Ambikapur, District : Surguja (C.G).

2. Ram Chandra Shukla, Son of late Shri Hari Prasad Shukla, aged about 58 years.

3. Anil Chandra Shukla, Son of late Shri Hari Prasad Shukla

(Both are resident of Kharsiya Road, Ambikapur, District : Surguja (C.G).

APPLICATION FOR RESTORATION OF A SECOND APPEAL VIDE APPEAL NO. 456 OF 2006 PARTIES BEING KAMLA KUMAR AGRAWAL Vs. BENI PRASAD SHUKLA & OTHERS.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.C.C. No. 18/ **सन् 2007**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	15.02.2007 Shri D.K.Vishwakarma, counsel for the petitioner. Heard on M.C.P. No. 40/2007 application for condonation of delay in filing the application for restoration registered as M.C.C. No. 18/2007 as the said application has been preferred with a delay of 79 days. The Second Appeal was preferred by the applicant which was listed on default for deficit of Court fees on 07.09.2006. On that date two weeks' time was allowed to the appellant to remove the default with a preemptory order that if the default is not removed within a period of two weeks, the appeal shall be liable for dismissal without reference to this Bench. However the default was not removed within the stipulated period, as a result of which the Second appeal was dismissed on 18.10.2006 in compliance of the preemptory order dated 07.09.2006. The instant application for restoration has also been filed with a delay of 79 days. The reasons assigned for preferring the said application for a delay of 79 days is that the applicant came to know about the order only on 30.10.2006 and then certified copy was obtained on 12.12.2006. However, he could not arrange money for the Court fees and in these circumstances the application for restoration was filed only on 06.01.2007. I have heard counsel for the applicant.	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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मामला क्रमांक ....M.C.C.No.18/ सन् 2007

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	The reasons assigned for delay in filing the instant application for restoration is not sufficient therefore the delay of 79 days in filing the same cannot be condoned and the application for condonation of delay is rejected. Consequently M.C.C. No. 18/2007 is also rejected. **Sd/-** **Dhirendra Mishra** **Judge**	

P.T.O.